

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SHAWN SIMON,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-001159
(Criminal No. 2:01-cr-00060-02)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

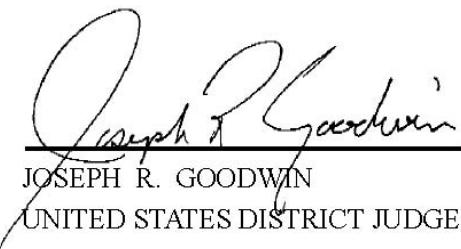
Pending before the court is the petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [Docket 655]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommends that the court deny the petitioner's motion.

Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the court accepts and incorporates herein the findings of the Magistrate Judge and **DENIES** the petitioner's motion.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 17, 2006


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE